

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

ROBERT E. GLENN, as Trustee)
of the T.A. CARTER, Jr. and)
JEANETTE W. CARTER REVOCABLE)
TRUST)

Plaintiff,)

v.)

OSWAINIO DUNLOP,)

Defendant.)
_____)

Civil No. 2005-145

ATTORNEYS:

Gregory H. Hodges, Esq.
St. Thomas, U.S.V.I.
For the Plaintiff.

Oswainio Dunlop,
Pro Se.

ORDER

GÓMEZ, C.J.

John J. Henry ("Henry") owned approximately 3.6 acres of real property known as Consolidated Parcel No. 5F Estate Haulover, East End Quarter, St. John, U.S. Virgin Islands (the "Property"). Henry died intestate. There is no record of any probate of Henry's estate or the Property. Nor is there a record of a judgment recognizing Henry's heirs. Finally, there is no

record of any court proceeding authorizing the conveyance of the Property. Dunlop is alleged to be an heir of Henry.

The plaintiff has filed a complaint, requesting, *inter alia*, a declaratory judgment that the defendant has no interest in the Property.

Title 15, section 195 of the Virgin Islands Codes provides:

In the judgment recognizing the heirs and placing them in possession of the estate of the deceased, the real estate shall be described in detail. A registration in the office of the proper recorder of deeds of said judgment, or a certified copy thereof, shall be prima facie proof of title to said property in the heir or heirs therein named.

15 V.I.C. § 195. Title 15, section 491 of the Virgin Islands Code provides:

No sale of the property of a decedent's estate is valid unless made by order of the district court, as in this chapter prescribed, or unless otherwise authorized by law or the decedent's will. The application for an order of sale shall be the petition of the executor or administrator and in case of real property a citation to the heirs and others interested in such property.

15 V.I.C. § 491.

The premises considered, it is hereby

ORDERED that no later than **12:00 p.m. on Monday, October 29, 2007**, the parties shall file briefs with the Court, with citations to appropriate case law, addressing (1) the status of the Property in light of the above Virgin Islands Code provisions; and (2) what effect, if any, those provisions have on

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the conveyance of an intestate decedent's property absent the initiation of a probate proceeding.

Dated: October 17, 2007

S_____
CURTIS V. GÓMEZ
Chief Judge

copy: Hon. Geoffrey W. Barnard
Gregory H. Hodges, Esq.
Oswainio Dunlop, *Pro Se*
Carol C. Jackson
Lydia Trotman
Claudette Donovan
Olga Schneider
Gregory Laufer